

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

JAMIE JOE DULUS

Date of Original Judgment: 4/9/2018
(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
☒ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
☒ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 2:17-cr-00409-JAD-VCF-1

USM Number: 54259-048

Jack Buchanan, Retained

Defendant's Attorney

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
☐ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 and 2 of the Information [ECF No. 24]

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 133(a)(3)	Assault with a Dangerous Weapon	8/10/2017	1
18 USC § 924(c)(1)(A)	Use of a Firearm During and in Relation to a Crime of Violence	8/10/2017	2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

4/18/2018

Date of Imposition of Judgment

Signature of Judge

JENNIFER A. DORSEY, U.S. DISTRICT JUDGE

Name and Title of Judge

4/18/2018

Date

DEFENDANT: JAMIE JOE DULUS
CASE NUMBER: 2:17-cr-00409-JAD-VCF-1

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of :

21 MONTHS FOR COUNT 1, 60 MONTHS FOR COUNT 2, TO RUN CONSECUTIVE FOR A TOTAL OF 81 MONTHS.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant be designated to FCI Phoenix. The Court further recommends that the defendant be permitted to participate in the RDAP program.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at _____ ☐ a.m. ☐ p.m. on _____ .
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 12 p.m. on _____ .
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JAMIE JOE DULUS

CASE NUMBER: 2:17-cr-00409-JAD-VCF-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

3 YEARS PER COUNT TO RUN CONCURRENT

and must comply with the following standard conditions, mandatory conditions, and special conditions:

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

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MANDATORY CONDITIONS OF SUPERVISION

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must cooperate in the collection of DNA as directed by the probation officer.
5. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: JAMIE JOE DULUS
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SPECIAL CONDITIONS OF SUPERVISION

- 1. Substance Abuse Treatment** – You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the program.
- 2. Drug Testing** – You must submit to substance abuse testing to determine if you have used a prohibited substance. Testing shall not exceed 104 tests per year. You must pay the costs of the testing. You must not attempt to obstruct or tamper with the testing methods.
- 3. No Alcohol** – You must not use or possess alcohol.
- 4. Mental Health Treatment** – You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the program.
- 5. Medication Management** – You must take all mental health medications that are prescribed by your treating physician. You must pay the costs of the medication.
- 6. No Contact** – You must not communicate, or otherwise interact, with the victims in this case, either directly or through someone else, without first obtaining the permission of the probation office.
- 7. Place Restriction – Geographic Area** – You must not knowingly enter any federal land, except for purposes of community service, without first obtaining the permission of the probation officer.
- 8. Support Dependents – Other Legal Obligation** – You must meet any legal obligation to support or make payment toward the support of any person, including any dependent child, the co-parent or caretaker of a dependent child, or spouse or former spouse.
- 9. Educational Program** – You must participate in an educational services program and follow the rules and regulations of that program. Such programs may include high school equivalency preparation, English as a Second Language classes, and other classes designed to improve your proficiency in skills such as reading, writing, mathematics, or computer use. You must pay the costs of the program.
- 10. Search and Seizure** – You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$	\$	\$ TBD

☒ The determination of restitution is deferred until a later date. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TBD			

TOTALS	\$	<u>0.00</u>	\$	<u>0.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

See attached Amended Preliminary Order of Forfeiture.*

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT A assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,) 2:17-CR-409-JAD-(VCF)
9 Plaintiff,)
10 v.) Amended Preliminary Order of Forfeiture
11 JAMIE JOE DULUS,)
12 Defendant.)

13 This Court finds that defendant Jamie Joe Dulus pled guilty to Counts One and Two of a
14 Two-Count Criminal Information charging him in Count One with Assault with a Dangerous
15 Weapon in violation of Title 18, United States Code, Section 113(a)(3) and in Count Two with
16 Use of a Firearm During and in Relation to a Crime of Violence in violation of Title 18, United
17 States Code, Section 924(c)(1)(A). Criminal Information, ECF No. 24; Plea Agreement, ECF
18 No. 26; Change of Plea, ECF No. 27.

19 This Court finds defendant Jamie Joe Dulus agreed to the forfeiture of the property set
20 forth in the Stipulation to Modify the Plea Agreement as to Jamie Joe Dulus and Order (ECF
21 Nos. 30 and 31).

22 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of
23 America has shown the requisite nexus between property set forth in the Stipulation to Modify
24 the Plea Agreement as to Jamie Joe Dulus and the offenses to which defendant Jamie Joe Dulus
25 pled guilty. Criminal Information, ECF No. 24; Plea Agreement, ECF No. 26; Change of Plea,
26 ECF No. 27; Stipulation to Modify the Plea Agreement and Order, ECF Nos. 30 and 31.

1 The following property is (1) any firearm or ammunition involved in or used in any
2 knowing violation of Title 18, United States Code, Section 924(c)(1)(A), or any other criminal
3 law of the United States, Title 18, United States Code, Section 113(a)(3) and (2) any firearm or
4 ammunition intended to be used in any crime of violence, Title 18, United States Code, Sections
5 113(a)(3) and 924(c)(1)(A), and is subject to forfeiture pursuant to Title 18, United States Code,
6 Section 924(d)(1) with Title 28, United States Code, Section 2461(c) and Title 18, United States
7 Code, Section 924(d)(1), (2)(C), and (3)(A) with Title 28, United States Code, Section 2461(c):
8 Raven handgun .25 caliber, serial number 545568 (property).

9 This Court finds the United States of America is now entitled to, and should, reduce the
10 aforementioned property to the possession of the United States of America.

11 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
12 the United States of America should seize the aforementioned property.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights,
14 ownership rights, and all rights, titles, and interests of Jamie Joe Dulus in the aforementioned
15 property is forfeited and is vested in the United States of America and shall be safely held by the
16 United States of America until further order of the Court.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
18 America shall publish for at least thirty (30) consecutive days on the official internet government
19 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
20 property, state the time under the applicable statute when a petition contesting the forfeiture must
21 be filed, and state the name and contact information for the government attorney to be served
22 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
23 Section 853(n)(2).

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
25 entity who claims an interest in the aforementioned property must file a petition for a hearing to
26 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be

1 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
2 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature
3 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
4 facts supporting the petitioner's petition and the relief sought.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
6 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
7 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than
8 sixty (60) days after the first day of the publication on the official internet government forfeiture
9 site, www.forfeiture.gov.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
11 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
12 the following address at the time of filing:

13 Michael A. Humphreys
14 Assistant United States Attorney
15 Daniel D. Hollingsworth
16 Assistant United States Attorney
17 501 Las Vegas Boulevard South, Suite 1100
18 Las Vegas, Nevada 89101.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
18 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
19 agency following publication of notice of seizure and intent to administratively forfeit the above-
20 described property.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
22 of this Order to all counsel of record.

23 DATED this 18th day of April, 2018.

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UNITED STATES DISTRICT JUDGE